IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.5104 OF 2005
WITH
CRIMINAL APPLICATION NO.6877 OF 2005

Raju Shyamlal Dubey ...Applicant.
V/s.
The State of Maharashtra ...Respondent.

None for the Applicant in Crim.Appln.No.5104-05.
Mrs.V.R.Bhosale, APP for the Respondent/State.

Mr.R.R.Mahagaonkar, adv.(appointed) for the Applicant in Cri.Appln.6877-05.

CORAM: J.H.BHATIA, J.
DATE : 4th April, 2007.

P.C.:

1. Heard Mr.Mahagaonkar, the learned counsel for the applicant, who is in jail and Mrs.Bhosale, the learned APP for the State.

2. Both these applications have filed by the applicant Raju Dubey, who is undergoing life imprisonment in a murder case in Nashik Road Central Jail. According to his memory in all 7 cases are pending against him but because he is in jail since 1995, he is not aware in which courts those cases are presently pending. He requested that jail authorities may be given direction for his production before the Court and for early decision of those matters.

3. By second application he requests for his transfer from Nashik Road Central Jail to Sub Jail, Gondia for a period of about 15 days so that he may meet his mother. According to him due to his detention in Nashik Jail since 1995, he could not meet his family members. His father has also expired during the year 2001 but he could not meet him.

4. Reply affidavit is filed by the police sub inspector Ramesh Ingawale of Gondia police station, wherein he has stated that all the 7 cases, which are referred in the first application, have been disposed off and he is already acquitted. Therefore, there is no need to give any direction in respect of those 7 cases mentioned in his first application dated 7-7-2005. He has further stated that besides those cases presently 6 more cases are pending against the applicant and his brothers. Two of them are for murder, one for culpable homicide and 3 for robbery and those cases could not be taken up for trial because brothers of the present applicant, who are also accused in the said cases are absconding since the time of filing the chargesheet. Anyway his request was for early trial of specified 7 cases, which are already disposed off. Therefore, no direction is required in criminal application no.5104-05

and it stands disposed off accordingly.

5. In the affidavit filed by PSI Ingawale, he has also stated that when the present applicant was confined in Bhandara jail after conviction in crime no.149 of 1996 under Section 302 of the I.P.C., he committed murder of one Shambhu S. Gautam within the jail premises. Taking into consideration the history of criminal cases he is a terror and criminal minded therefore, he cannot be transferred to sub jail. Taking into consideration the nature of the cases pending against him and the fact that not only he committed the offence of murder outside the jail, he also appears to have committed murder within the jail premises of Bhandara jail. Therefore, it will not be in the interest of justice to give any direction to transfer him from the central jail to sub jail. Therefore, criminal application no.6877-05 stands rejected.

6. Orders in both these matters be communicated to the accused through the Superintendent Central Jail.

(J.H.Bhatia,J.)